

**AMENDMENT TO RULES COMMITTEE PRINT 118-**

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**OFFERED BY MR. WILSON OF SOUTH CAROLINA**

Add at the end of title XVIII the following:

1 **SEC. 18 \_\_\_\_. PROHIBITION OF DEMAND FOR BRIBE.**

2 Section 201 of title 18, United States Code, is  
3 amended—

4 (1) in subsection (a)—

5 (A) in paragraph (2), by striking “and” at  
6 the end;

7 (B) in paragraph (3), by striking the pe-  
8 riod at the end and inserting a semicolon; and

9 (C) by adding at the end the following:

10 “(4) the term ‘foreign official’ means—

11 “(A)(i) any official or employee of a for-  
12 eign government or any department, agency, or  
13 instrumentality thereof; or

14 “(ii) any senior foreign political figure, as  
15 defined in section 1010.605 of title 31, Code of  
16 Federal Regulations, or any successor regula-  
17 tion;

18 “(B) any official or employee of a public  
19 international organization;

1           “(C) any person acting in an official ca-  
2           pacity for or on behalf of—

3                   “(i) a government, department, agen-  
4                   cy, or instrumentality described in sub-  
5                   paragraph (A)(i); or

6                   “(ii) a public international organiza-  
7                   tion; or

8           “(D) any person acting in an unofficial ca-  
9           pacity for or on behalf of—

10                   “(i) a government, department, agen-  
11                   cy, or instrumentality described in sub-  
12                   paragraph (A)(i); or

13                   “(ii) a public international organiza-  
14                   tion; and

15           “(5) the term ‘public international organization’  
16           means—

17                   “(A) an organization that is designated by  
18                   Executive order pursuant to section 1 of the  
19                   International Organizations Immunities Act (22  
20                   U.S.C. 288); or

21                   “(B) any other international organization  
22                   that is designated by the President by Execu-  
23                   tive order for the purposes of this section, effec-  
24                   tive as of the date of publication of such order  
25                   in the Federal Register.”; and

1 (2) by adding at the end the following:

2 “(f) PROHIBITION OF DEMAND FOR A BRIBE.—

3 “(1) OFFENSE.—It shall be unlawful for any  
4 foreign official or person selected to be a foreign of-  
5 ficial to corruptly demand, seek, receive, accept, or  
6 agree to receive or accept, directly or indirectly, any-  
7 thing of value personally or for any other person or  
8 nongovernmental entity, by making use of the mails  
9 or any means or instrumentality of interstate com-  
10 merce, from any person (as defined in section 104A  
11 of the Foreign Corrupt Practices Act of 1977 (15  
12 U.S.C. 78dd–3), except that that definition shall be  
13 applied without regard to whether the person is an  
14 offender) while in the territory of the United States,  
15 from an issuer (as defined in section 3(a) of the Se-  
16 curities Exchange Act of 1934 (15 U.S.C. 78c(a)),  
17 or from a domestic concern (as defined in section  
18 104 of the Foreign Corrupt Practices Act of 1977  
19 (15 U.S.C. 78dd–2)), in return for—

20 “(A) being influenced in the performance  
21 of any official act;

22 “(B) being induced to do or omit to do any  
23 act in violation of the official duty of such for-  
24 eign official or person; or

25 “(C) conferring any improper advantage,

1 in connection with obtaining or retaining business  
2 for or with, or directing business to, any person.

3 “(2) PENALTIES.—Any person who violates  
4 paragraph (1) shall be fined not more than  
5 \$250,000 or 3 times the monetary equivalent of the  
6 thing of value, imprisoned for not more than 15  
7 years, or both.

8 “(3) JURISDICTION.—An offense under para-  
9 graph (1) shall be subject to extraterritorial Federal  
10 jurisdiction.

11 “(4) REPORT.—Not later than 1 year after the  
12 date of enactment of the Foreign Extortion Preven-  
13 tion Act, and annually thereafter, the Attorney Gen-  
14 eral shall submit to the Committee on the Judiciary  
15 of the Senate and the Committee on the Judiciary  
16 of the House of Representatives, and post on the  
17 publicly available website of the Department of Jus-  
18 tice, a report—

19 “(A) focusing, in part, on demands by for-  
20 eign officials for bribes from entities domiciled  
21 or incorporated in the United States, and the  
22 efforts of foreign governments to prosecute such  
23 cases;

24 “(B) addressing United States diplomatic  
25 efforts to protect entities domiciled or incor-

1           porated in the United States from foreign brib-  
2           ery, and the effectiveness of those efforts in  
3           protecting such entities;

4           “(C) summarizing major actions taken  
5           under this section in the previous year, includ-  
6           ing enforcement actions taken and penalties im-  
7           posed;

8           “(D) evaluating the effectiveness of the  
9           Department of Justice in enforcing this section;  
10          and

11          “(E) detailing what resources or legislative  
12          action the Department of Justice needs to en-  
13          sure adequate enforcement of this section.

14          “(5) RULE OF CONSTRUCTION.—This sub-  
15          section shall not be construed as encompassing con-  
16          duct that would violate section 30A of the Securities  
17          Exchange Act of 1934 (15 U.S.C. 78dd–1) or sec-  
18          tion 104 or 104A of the Foreign Corrupt Practices  
19          Act of 1977 (15 U.S.C. 78dd–2; 15 U.S.C. 78dd–  
20          3) whether pursuant to a theory of direct liability,  
21          conspiracy, complicity, or otherwise.”.

